

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

NOTICE OF MOTION NO.517 OF 2005
IN
WRIT PETITION NO.2997 OF 2002

The Municipal Corporation of Greater Mumbai ..Petitioner.
Vs.
BP Steel Industries Pvt. Ltd. & Ors. ..Respondents.
...
Mr. Harvinder Toor i/b M/s. Crawford Bayley & Co. for the
Petitioner.

CORAM: DR. D.Y. CHANDRACHUD, J.

6th November, 2006.

P.C. :

The Petition was admitted on 6th January, 2003. When it came up on 22nd June, 2005 the Petition came to be dismissed on the ground that no steps have been taken by the Petitioner for service of rule nisi on the Respondents.

In paragraph 5 of the affidavit in support of the Motion it has been averred that a precipe was filed on 7th May, 2003 before the office of the Prothonotary and Senior Master by which the advocates appearing on behalf of the Petitioner sought the

issuance of one original and four duplicate copies of rule nisi so as to enable the advocates to effect service upon the Respondents. It has been averred in the affidavit in support that despite receipt of the precipe the office of the Prothonotary did not provide rule nisi to the advocates for the Petitioner. There appears to be merit in the aforesaid submission since the record of these proceedings does contain the precipe dated 7th May, 2003 which was lodged with the office of the Prothonotary. In these circumstances, there is no reason why the Petition should not be restored to file. The Motion is made absolute in terms of prayer clauses (a) and (b). Time to effect service of rule nisi is extended by a period of eight weeks from today. The Motion is disposed of.